



200,1079CON6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Appl. No. : 10/057,631

Applicants : Ronald M. BURCH, et al.

Filed : January 25, 2002

For : Analgesic Combination of Oxycodone and 5-(4-fluorophenyl)-1-[4-(methylsulfonyl)phenyl]-3-Trifluoromethyl 1H Pyrazole

Art Unit : 1639

Examiner : Bennett Celsa

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 26, 2004

RESPONSE TO A NOTICE OF NON-COMPLIANT AMENDMENT

Sir

**In response to the Notice of Non-Compliant Amendment mailed June 25, 2004,
Applicants respectfully submit the following:**

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

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61 701151 106.61 106

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22314-1450



Docket No.: 200.1079CON6
Date: July 26, 2004

1639

In re application of: Ronald M. BURCH, et al.
Serial No.: 10/057,631
Filed: January 25, 2002
For: ANALGESIC COMBINATION OF OXYCODONE AND OXYCODONE AND 5-(4-FLUOROPHENYL)-1-[4-(METHYLSULFONYL)PHENYL]-3-TRIFLUOROMETHYL 1H PYRAZOLE

Sir:

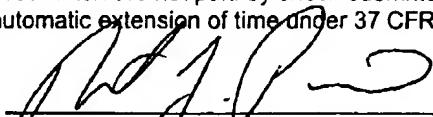
Transmitted herewith is a Response to A Notice of Non-Compliant Amendment in the above-identified application.

- Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
 Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
 No fee for additional claims is required.
 A filing fee for additional claims calculated as shown below, is required:

(Col. 1)	(Col. 2)	SMALL ENTITY	LARGE ENTITY
FOR:	REMAINING HIGHEST	RATE FEE	OR RATE FEE
	AFTER PREVIOUSLY PRESENT		
	AMENDMENT PAID FOR EXTRA		
TOTAL CLAIMS	Minus = 0	x \$ 9 \$	x \$ 18 \$
INDEP. CLAIMS	Minus - 0	x \$ 42 \$	x \$ 84 \$
IF FIRST PRESENTATION OF MULTIPLE DEP. CLAIMS		+ \$140 \$	+ \$280 \$
		TOTAL: \$	OR TOTAL: \$

- * If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- Also transmitted herewith are:
 Petition for extension under 37 C.F.R. 1.136 (in duplicate)
 Other:
- Check(s) in the amount of **\$0.00** is/are attached to cover:
 Filing fee for additional claims under 37 C.F.R. 1.16
 Petition fee for extension under 37 C.F.R. 1.136
 Other:
- The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- Any patent application processing fees under 37 C.F.R. 1.17.
- Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with sufficient postage to the United States Postal Service as "first class mail" in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22314-1450" on July 26, 2004.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 